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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREGORY BENDER,)	Case No. C 09-01247 MMC
)	
Plaintiff,)	SECOND AMENDED COMPLAINT FOR
vs.)	PATENT INFRINGEMENT; AND
)	DEMAND FOR JURY TRIAL
NOKIA INC., a Delaware)	
corporation,)	
)	
Defendant.)	
)	

Plaintiff Gregory Bender, through counsel, hereby further amends his amended complaint against Nokia Inc. so that, as so further amended, it alleges as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United State of America (Title 35 of the United States Code) and the Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1338(a).

1 2. Venue is proper in this judicial district pursuant to 28
2 U.S.C. 1391(b) and (c) and 1400(b).

3 INTRADISTRICT ASSIGNMENT

4 3. This patent action is an excepted category pursuant to
5 Local Rule 3-2(c), Assignment of a Division, to be assigned on a
6 district-wide basis.

7 THE PARTIES

8 4. Plaintiff Gregory Bender is an individual whose residence
9 is in San Jose, California.

10 5. Defendant Nokia Inc. ("Nokia") is a Delaware corporation
11 with its principal place of business situated in Irvine, Texas.

12 THE PATENT-IN-SUIT

13 6. On April 9, 1992, United States Patent Number 5,103,188
14 (the "'188 Patent") entitled "Buffered Transconductance
15 Amplifier" issued to plaintiff Gregory Bender and since that date
16 the plaintiff has been and still is the owner of the '188 Patent
17 and of all right of recovery for damages thereunder. A copy of
18 the '188 Patent is attached hereto as Exhibit 1.

19 FIRST CAUSE OF ACTION
20 (Infringement of the '188 Patent)

21 7. Plaintiff realleges and incorporates by this reference
22 thereto the allegations set forth in paragraphs 1 through 6.

23 8. On information and belief, in violation of 35 U.S.C.
24 Section 271, et seq., Nokia has performed acts and performs acts
25 that infringe, and induce others (specifically, and without
26 limitation, Broadcom Corporation, Infineon Technologies Corp.,

1 Qualcomm Incorporated, and ST-Ericsson Inc., and/or affiliates
2 thereof) to infringe, one or more of the claims of the '188
3 Patent (including, without limitation, claims 8-14 and 29-46) by
4 making, using, offering for sale, and/or selling in the United
5 States of America, and/or importing into the United States of
6 America, products that consist of, comprise, and/or contain at
7 least one circuit, silicon or otherwise, which contains and/or
8 utilizes at least one buffered transconductance amplifier
9 (commonly known in the analog electronics industries as a
10 "current feedback amplifier," a "high-gain current feedback
11 amplifier," or a "voltage feedback amplifier" as the case may be)
12 and/or by practicing related methods embodying inventions claimed
13 therein, which such products include, without limitation, cell
14 phones, computers, network drivers, high definition television
15 sets, ultrasound machines, MRI machines, lab equipment, arbitrary
16 waveform generators, audio amplifiers, video amplifiers, hard
17 disc drives, ADC/DAC converters, DVD-RW players, DSL modems, CCD
18 cameras, satellite communication technology, and other products
19 where high performance, high speed analog circuits are used,
20 and/or components thereof; such products include, without
21 limitation, so-called Nokia "mobile devices," and families
22 thereof, as the same are described and defined by Nokia
23 Corporation in the Form 20-F Annual Reports filed by Nokia
24 Corporation with the Securities and Exchange Commission from
25 March 2003 to present and marketed in the United States of
26

1 America and all products made by third parties pursuant to and in
2 accordance with the direction and order, and for the use, of
3 Nokia.

4 9. On information and belief, Nokia has known of the '188
5 Patent and has pursued its knowing and willful infringement
6 thereof in flagrant disregard of the rights of the plaintiff
7 thereunder.

8 10. On information and belief, such conduct described in
9 paragraphs 8 and 9 constitutes willful infringement.

10 11. Plaintiff has been damaged by such infringement.

11 WHEREFORE, Plaintiff prays for judgment as follows:

12 A. For an accounting and award for damages resulting from
13 the infringement by the defendant and a trebling of such damages
14 because of the knowing, willful, and wanton nature of such
15 infringement;

16 B. For interest on the damages computed;

17 C. For a determination that this is an exceptional case and
18 an award of attorney's fees and costs and expenses in this
19 action; and

20 D. For such other and further relief as the Court deems just
21 and proper.
22

23 Dated: October 22, 2009
24 Piedmont, California

_____/S/_____
David N. Kuhn, Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff respectfully requests a jury trial as to all
issues triable thereby.

Dated: October 22, 2009
Piedmont, California

_____/S/_____
David N. Kuhn